

# Exhibit 1

## Hang Le

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**From:** Shannon Gustafson <sgustafson@lynberg.com>  
**Sent:** Thursday, February 20, 2025 10:43 AM  
**To:** Hang Le; Diana Esquivel; Amy R. Margolies; Anita K. Clarke  
**Cc:** Dale Galipo; Santiago Laurel  
**Subject:** RE: Botten/Puga MSJ Oppositions

Hang,

County Defendants complied with the Word Count in our Motion and significantly pared down and streamlined our legal arguments to do so. Plaintiff is now seeking a significant additional words and since we have obviously not seen Plaintiff's Opposition we cannot be certain where the legal arguments will be focused. Further, while there will be some divergence between the legal arguments that Plaintiff makes in Opposition to the County and the State there will also be significant overlap. As such, Plaintiff's oversized brief especially of 14,000 allows for significantly more space for Plaintiff to make additional legal arguments then was used by the County, given the overlap in both facts and law on a number of issues.

To rectify this we have simply asked that we be afforded additional words in the Reply given the substantial additional words requested by Plaintiff. I am sorry that we were not able to amicably work this out and we will therefore oppose your request only on the grounds that we simply asked for a slight increase in the word count to the County which Plaintiff refused to consider.

Thanks

SHANNON GUSTAFSON  
Off: [714-937-1010](tel:714-937-1010) Fax: [714-937-1003](tel:714-937-1003)

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**From:** Hang Le <hlee@galipolaw.com>  
**Sent:** Thursday, February 20, 2025 9:57 AM  
**To:** Shannon Gustafson <sgustafson@lynberg.com>; Diana Esquivel <Diana.Esquivel@doj.ca.gov>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>  
**Cc:** Dale Galipo <dalekgalipo@yahoo.com>; Santiago Laurel <slaurel@galipolaw.com>  
**Subject:** RE: Botten/Puga MSJ Oppositions

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Unfortunately, we are unable to agree to that. The additional word count for Plaintiffs' consolidated opposition is to account for the separate arguments made by County Defendants and State Defendants. There is no reason

County Defendants would need to exceed the word count when some of the arguments do not apply to County Defendants. We will be filing our ex parte applications either today or tomorrow.

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**From:** Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>

**Sent:** Thursday, February 20, 2025 9:53 AM

**To:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>; Diana Esquivel <[Diana.Esquivel@doj.ca.gov](mailto:Diana.Esquivel@doj.ca.gov)>; Amy R. Margolies <[amargolies@lynberg.com](mailto:amargolies@lynberg.com)>; Anita K. Clarke <[aclarke@lynberg.com](mailto:aclarke@lynberg.com)>

**Cc:** Dale Galipo <[dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com)>; Santiago Laurel <[slaurel@galipolaw.com](mailto:slaurel@galipolaw.com)>

**Subject:** RE: Botten/Puga MSJ Oppositions

Hang,

We are willing to agree to 12,000 words if Plaintiff will stipulate that Defendants may have 10,000 words for the Reply.

Thanks

SHANNON GUSTAFSON

Off: 714-937-1010 Fax: 714-937-1003

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**From:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>

**Sent:** Thursday, February 20, 2025 9:46 AM

**To:** Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>; Diana Esquivel <[Diana.Esquivel@doj.ca.gov](mailto:Diana.Esquivel@doj.ca.gov)>; Amy R. Margolies <[amargolies@lynberg.com](mailto:amargolies@lynberg.com)>; Anita K. Clarke <[aclarke@lynberg.com](mailto:aclarke@lynberg.com)>

**Cc:** Dale Galipo <[dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com)>; Santiago Laurel <[slaurel@galipolaw.com](mailto:slaurel@galipolaw.com)>

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Shannon,

I agree that the facts will overlap for both and Plaintiffs only need additional words to account for the differences in legal arguments. However, the legal arguments barely overlap between County Defendants and State Defendants. For example, in Botten the only similarities stem from the general arguments regarding Plaintiffs' negligence and negligent infliction of emotional distress claims. State Defendants additionally provide argument regarding whether the Bottens were seized, whether the use of force was excessive, whether there is a viable Fourteenth Amendment claim, whether Plaintiffs may maintain a battery claim, and assert different state law privileges than County Defendants. County Defendants further make an argument regarding compliance with the Government Tort Claim that is not present in the State Defendants' MSJ. Thus, I do not believe allowing Plaintiffs less than half of the additional 7,000 in a combined brief would be sufficient to address all these distinct arguments.

Accordingly, I propose a compromise of 12,000 words for the consolidated oppositions. Please let me know if County Defendants are agreeable to this alternative proposal. Otherwise, I intend to file the ex parte applications by the end of the day tomorrow. Thanks.

Best,  
Hang

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**From:** Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>  
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**Cc:** Dale Galipo <[dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com)>; Santiago Laurel <[slaurel@galipolaw.com](mailto:slaurel@galipolaw.com)>  
**Subject:** RE: Botten/Puga MSJ Oppositions

Hang,

Upon further consideration of this matter, we do not understand why 14,000 words is necessary if this is a combined Opposition. Presumably if these are combined oppositions it is because the facts will be overlapping for both, and therefore you only need the additional words to account for the differences in legal arguments. As such, County Defendants are willing to stipulate to 10,000 words but do not see why the opposition needs to be the size of two with a combined fact section.

Alternatively, Defendants are willing to stipulate to 14,000 words on the condition that Plaintiff agrees to an additional word count for Defendants Reply to account for the oversized briefing.

Please advise if either of these options is agreeable.

Thanks

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**From:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>  
**Sent:** Wednesday, February 19, 2025 4:28 PM  
**To:** Diana Esquivel <[Diana.Esquivel@doj.ca.gov](mailto:Diana.Esquivel@doj.ca.gov)>; Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>; Amy R. Margolies <[amargolies@lynberg.com](mailto:amargolies@lynberg.com)>; Anita K. Clarke <[aclarke@lynberg.com](mailto:aclarke@lynberg.com)>

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Good afternoon all,

Attached please find a draft of the proposed stipulations and orders in Botten and Puga to allow Plaintiffs to file a Consolidated Opposition with a word count not exceeding 14,000 words. Please let me know if you have any changes or alternative proposals to the terms. If not, please reply with your permission to e-sign on your behalf and I will file. Thank you.

Best,  
Hang

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**From:** Diana Esquivel <[Diana.Esquivel@doj.ca.gov](mailto:Diana.Esquivel@doj.ca.gov)>  
**Sent:** Wednesday, February 19, 2025 11:21 AM  
**To:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>; Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>; Amy R. Margolies <[amargolies@lynberg.com](mailto:amargolies@lynberg.com)>; Anita K. Clarke <[aclarke@lynberg.com](mailto:aclarke@lynberg.com)>  
**Cc:** Dale Galipo <[dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com)>; Santiago Laurel <[slaurel@galipolaw.com](mailto:slaurel@galipolaw.com)>  
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I generally have no objection to plaintiffs' request to exceed the word count for a consolidated opposition in both cases but 14,000 seems a little excessive. I'm just concerned about getting a 60-page P&A in each case and having only a week to prepare the replies. Having said that, I will stipulate. Thanks.

-Diana

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**From:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>  
**Sent:** Wednesday, February 19, 2025 8:52 AM  
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**Cc:** Dale Galipo <[dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com)>; Santiago Laurel <[slaurel@galipolaw.com](mailto:slaurel@galipolaw.com)>  
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It would be 14,000 for each consolidated MSJ Opposition.

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**From:** Shannon Gustafson <[sgustafson@lynberg.com](mailto:sgustafson@lynberg.com)>  
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**Subject:** RE: Botten/Puga MSJ Oppositions

What is your word count proposal?

Thanks

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**From:** Hang Le <[hlee@galipolaw.com](mailto:hlee@galipolaw.com)>  
**Sent:** Tuesday, February 18, 2025 4:07 PM  
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**Subject:** Botten/Puga MSJ Oppositions

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Good afternoon,

The Botten Plaintiffs intend to file a consolidated opposition to County Defendants and State Defendants' MSJs. We anticipate that the Puga Plaintiffs will file a consolidated opposition to the upcoming MSJs as well. Because there are several issues that differ between County and State, we intend on requesting leave from the Court for the consolidate oppositions to exceed the 7,000 word limit pursuant to L.R. 11-6.1. Please let me know if County Defendants and State Defendants would be willing to stipulate to allow leave for the Botten Plaintiffs' consolidated opposition and the Puga Plaintiffs' consolidated opposition to exceed the 7,000 word limit. If so, I

will send over a proposed stipulation. Otherwise, we intend to file an ex parte application requesting leave from the Court to exceed the word count limit. Thanks.

Best,  
Hang

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